

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORNUA FOODS NORTH AMERICA,
INC., *et al.*,

Plaintiffs,

-v-

ABBEY SPECIALTY FOODS, LLC,
Defendant.

23-CV-1212 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

For the reasons discussed during the initial pretrial conference held on May 30, 2023, the Court denies Defendant's Amended Motion to Dismiss the Complaint and for Summary Judgment (ECF No. 19) without prejudice to renewal on a post-discovery motion for summary judgment.

The Court orders as follows:

- Discovery for this phase of the litigation is limited in scope to materials relevant to the likelihood of confusion, as set out by the Second Circuit in *Polaroid Corp. v. Polarad Elecs. Corp.*, 287 F.2d 492 (2d Cir. 1961).
- The deadline for document discovery is August 31, 2023.
- A single deposition of Defendant's Rule 30(b)(6) witness is permitted. The deposition shall be taken no later than September 30, 2023.
- Defendant's motion for summary judgment shall be filed no later than October 31, 2023. Plaintiff's motion in opposition shall be filed no later than November 21, 2023. Defendant's reply brief shall be filed no later than November 28, 2023.

The Clerk of Court is directed to close the motions at ECF No. 19 and No. 24.

SO ORDERED.

Dated: May 31, 2023
New York, New York



J. PAUL OETKEN
United States District Judge